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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91202891
Party	Defendant James R. Glidewell Dental Ceramics Inc.
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Date	12/21/2011
Attachments	ANSWER-OPPOSITION.pdf (4 pages)(22589 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of)	
Serial No.	85/332,886)	
)	
For the mark:	BRUXZIR)	
)	
Filing Date:	May 27, 2011)	
)	
International Class:	005)	
)	
KEATING DENTAL ARTS, INC.,)	Opposition No. 91202891
)	
Opposer,)	
)	ANSWER TO OPPOSITION
v.)	
)	
JAMES R. GLIDEWELL DENTAL CERAMICS,)	
INC. DBA GLIDEWELL LABORATORIES,)	
)	
Applicant.)	

ANSWER TO OPPOSITION

Box Trademark Trial and Appeal Board
Assistant Commissioner for Trademarks
U.S. Patent & Trademark Office
P.O. Box 1451
Arlington, Virginia 22313-1451

Applicant James R. Glidewell Dental Ceramics, Inc. dba Glidewell Laboratories (hereafter "Applicant") hereby responds to the above-identified Opposition in paragraphs numbered to correspond to those of the Opposition:

Applicant admits that the addresses asserted in the Opposition for Applicant and Opposer are correct as stated in the opening unnumbered paragraph. However, Applicant denies the assertion that Opposer will be damaged by registration of the mark BRUXZIR for all of the goods listed in U.S. Serial No. 85/332,886.

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of whether Opposer is the owner of all rights, title and interest to U.S. Trademark Application Serial No. 85/287,029 for the mark KDZ BRUXER PLUS DESIGN.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of whether Opposer has been using the KDZ BRUXER PLUS DESIGN mark in connection with dental prostheses since prior to the effective filing date of the '886 application.

3. Applicant admits that it has a previous registration for the same mark BRUXZIR[®] under U.S. Registration No. 3,739,663. Applicant admits that it has filed an Opposition and a lawsuit against Opposer Keating based upon the BRUXZIR[®] trademark in said '663 registration and that said prior Opposition is No. 91201389 and said lawsuit is in U.S. District Court, Central District of California under Case No. SACV11-01309-DOC (ANx). Applicant denies that it is improperly asserting any trademark or any registration against Opposer or third parties.

4. Applicant admits that the parties are proceeding in the aforementioned lawsuit. Applicant admits that the TTAB recently suspended that previous Opposition to await the outcome of the lawsuit. Applicant admits that this Opposition relates to the same trademark BRUXZIR, but in regard to use on or in conjunction with different goods, namely, dental ceramics in international class 005. Applicant denies that the currently opposed further registration will damage Opposer Keating or provide some form of "ammunition" for use against Opposer in the pending lawsuit. Applicant denies any misuse of its trademark BRUXZIR[®] and denies that it is asserting its trademark rights against all competitors using any form of the word BRUX. Applicant denies that it should be required to disclaim the word BRUX and its related terms.

5. Applicant denies that it is misusing its registration, its application or its trademarks in any way and it denies that the term BRUX or any related terms should be disclaimed. Applicant further denies that BRUXISM is a condition that can be treated by the goods sought to be registered.

6. Applicant admits that it has sued Opposer. Applicant denies that it has used or would use any of its trademarks or registration to harm Opposer.

7. Applicant admits the assertions of paragraph 7 of the Opposition and hereby stipulated to a suspension of this Opposition until a final determination of said lawsuit.

8. Applicant therefore prays that the TTAB dismiss this Opposition and permit issuance of Applicant's registration under its application Serial No. 85/332,886.

Respectfully submitted,

/s/ Leonard Tachner

Leonard Tachner

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Attorneys For Applicant

Dated December 21, 2011

PROOF OF SERVICE
Opposition No. 91202891

I hereby certify that the above and foregoing
ANSWER TO NOTICE OF OPPOSITION
was served upon Opposer's attorney(s) shown below by:

	MAIL being familiar with the practice of this office for the collection and the processing of correspondence for mailing with the United States Postal Service, and deposited in the United States mail copies of same to the addresses set forth below, in a sealed envelope, with first class postage fully prepaid.
XX	EMAIL by personally transmitting same via an email between the hours of 9:00 AM and 5:00 PM at the email address(es) set forth below.
	FACSIMILE by personally transmitting same via an electronic facsimile machine between the hours of 9:00 AM and 5:00 PM to the facsimile number(s) set forth below and the transmission was reported as complete and without error.
	PERSONAL DELIVERY and personally delivered, or caused to be delivered, same to each of the persons at the addresses listed below or, in the absence of the attorneys named below, by personally delivering the envelope(s) to his/her clerk or the person in charge of the office.
	FEDERAL EXPRESS for delivery the following business day by placing same for collection in the nearest Federal Express Deposit Box or Federal Express Office to the business address set forth below.

J. Mark Holland
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Executed on December 21, 2011 at Irvine, California.

___/Janis Foreman/___
Janis Foreman